

**SUPPLEMENTARY INFORMATION:** The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Dated: July 16, 2021.

**Meghan Jugder,**

*Support Services Specialist, Office of Administrative Services & Contracts, National Endowment for the Arts.*

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## **NUCLEAR REGULATORY COMMISSION**

[NRC-2020-0255]

### **Implementation of Aging Management Requirements for Spent Fuel Storage Renewals**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 3.76 (Revision 0), "Implementation of Aging Management Requirements for Spent Fuel Storage Renewals." This new guidance describes an approach that is acceptable to the staff of the NRC to meet the regulatory requirements for spent fuel storage renewals. It addresses requirements for the renewal of specific licenses for independent spent fuel storage installations (ISFSIs) and certificates of compliance (CoCs) for spent fuel storage cask designs pursuant to NRC requirements.

**DATES:** Revision 0 to RG 3.76 is available on July 21, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2020-0255 when contacting the NRC about the availability of

information regarding this document.

You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0255. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **Attention:** The PDR, where you may examine, and order copies of public documents is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

Revision 0 to RG 3.76 and the regulatory analysis may be found in ADAMS under Accession Nos. ML21098A022 and ML20282A299, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Kristina Banovac, telephone: 301-415-7116, email: [Kristina.Banovac@nrc.gov](mailto:Kristina.Banovac@nrc.gov), and Harriet Karagiannis, telephone: 301-415-2493, email: [Harriet.Karagiannis@nrc.gov](mailto:Harriet.Karagiannis@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Discussion**

The NRC is issuing a new guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in

evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 0 of RG 3.76 was issued with a temporary identification of Draft Regulatory Guide, DG-3055. It describes an approach that is acceptable to the staff of the NRC by endorsing, with clarifications, the Nuclear Energy Institute (NEI) guidance in NEI 14-03, Revision 2, "Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management," issued December 2016.

##### **II. Additional Information**

The NRC published a notice of the availability of DG-3055 (ADAMS Accession No. ML20282A298), in the **Federal Register** on December 11, 2020 (85 FR 80193), for a 45-day public comment period. The public comment period closed on January 25, 2021. The staff received one public comment submission on DG-3055.

This RG is a new RG 3.76 that describes an approach that is acceptable to the staff of the NRC by endorsing, with clarifications, the Nuclear Energy Institute (NEI) guidance in NEI 14-03, Revision 2, "Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management," issued December 2016.

This new RG provides guidance to industry for complying with and implementing the requirements for spent fuel storage renewals in Part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." This guidance addresses renewal of ISFSI specific licenses and CoCs for spent fuel storage cask designs in 10 CFR 72.42, "Duration of license; renewal," and 10 CFR 72.240, "Conditions for spent fuel storage cask renewal," respectively.

The guidance specifically addresses the format and content of spent fuel storage renewal applications and the implementation of aging management programs (AMPs). The guidance uses an operations-focused approach to aging management, in which operating experience is shared through an industry database and continually assessed to adjust AMPs, as needed and within regulatory limits, to ensure the effectiveness of aging management activities during the period of extended operation and the continued safe storage of spent fuel.

**III. Congressional Review Act**

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

**IV. Backfitting, Forward Fitting, and Issue Finality**

This regulatory guide, RG 3.76, endorses, with clarifications, NEI 14–03, which provides guidance on the format and content of spent fuel storage renewal applications and implementation of aging management programs under 10 CFR part 72. As explained in RG 3.76, licensees are not required to comply with the positions set forth in this regulatory guide. Therefore, RG 3.76 does not constitute backfitting as defined in 10 CFR 72.62, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; or constitute forward fitting as that term is defined and described in MD 8.4. If, in the future, the NRC were to impose a position in RG 3.76 in a manner that would constitute backfitting or forward fitting, then the NRC would address the backfitting provision in 10 CFR 72.62 or the forward fitting provision of MD 8.4, respectively.

Dated: July 15, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB’s estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*1. Title and purpose of information collection:* Railroad Service and Compensation Reports/System Access Application; OMB 3220–0008.

Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 356), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee’s railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, reports of their employees’ compensation, in such manner and form and at such times as the RRB prescribes. Railroad employers’ reports and responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA–3, *Annual Report of Creditable Compensation*, and Form BA–4, *Report*

*of Creditable Compensation Adjustments*, to secure the required information from railroad employers. Form BA–3 provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA–4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA–3 and BA–4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting BA–3 and BA–4 reports electronically by CD–ROM, secure Email, File Transfer Protocol (FTP), or online via the RRB’s Employer Reporting System (ERS).

The information collection also includes RRB Form BA–12, Application for Employer Reporting internet Access, and Form G–440, Report Specifications Sheet. Form BA–12 is completed by railroad employers to obtain system access to ERS. Once access is obtained, authorized employees may submit reporting forms online to the RRB. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee’s access to ERS. Form G–440, Report Specifications Sheet, serves as a certification document for Forms BA–3 and BA–4 as well as other RRB employer reporting forms (Form BA–6a, BA–6 Address Report (OMB 3220–0005), Form BA–9, Report of Separation Allowance or Severance Pay (OMB 3220–0173) and Form BA–11, Report of Gross Earnings (OMB 3220–0132). It records the type of medium the report was submitted on, and serves as a summary recapitulation sheet for reports filed on paper. The RRB proposes no changes to Forms BA–3 (internet), BA–4 (internet), BA–12, and G–440. The RRB proposes to remove Form BA–3 (Paper) and BA–4 (Paper) from the Information Collection due to less than 10 responses per year.

**RAILROAD RETIREMENT BOARD**

**Proposed Collection; Comment Request**

*Summary:* In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data

**ESTIMATE OF ANNUAL RESPONDENT BURDEN  
CURRENT BURDEN**

Reporting	Responses	Time (minutes)	Burden (hours)
BA–3:			
Electronic Media 2/ .....	96	46.25 (2,775 min) .....	4,440
BA–3 (Internet) .....	617	46.25 (2,775 min) .....	28,536
Total BA–3 .....	713	.....	32,976
BA–4:			